

Accordingly, I certify that this proposed rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 15, 1995.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR, chapter I, is proposed to be amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 would continue to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. Section 180.2 is revised to read as follows:

§ 180.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than benzaldehyde (when used as a bee repellent in the harvesting of honey), ferrous sulfate, lime, lime-sulfur, potassium carbonate, potassium polysulfide, potassium sorbate, sodium carbonate, sodium chloride, sodium hypochlorite, sodium polysulfide, sodium sesquicarbonate, sorbic acid, sulfur, and when used as plant desiccants, sodium metasilicate (not to exceed 4 percent by weight in aqueous solution) and when used as post-harvest fungicides, citric acid, fumaric acid, oil of lemon, oil of orange, and sodium benzoate are not for the purposes of section 408(a) of the Act generally recognized as safe.

(b) Upon written request, the Registration Division will advise interested persons whether a pesticide chemical should be considered as poisonous or deleterious, or one not generally recognized by qualified experts as safe.

(c) The training and experience necessary to qualify experts to evaluate the safety of pesticide chemicals for the purposes of section 408(a) are essentially the same as training and experience necessary to qualify experts to serve on advisory committees

prescribed by section 408(g). (See § 180.11.)

§ 180.1015 [Removed]

c. Section 180.1015 is removed.

d. Section 180.1027 is revised to read as follows:

§ 180.1027 Nuclear polyhedrosis virus of *Heliothis zea*; exemption from the requirement of a tolerance.

(a) For the purposes of this section, the viral insecticide must be produced with an unaltered and unadulterated inoculum of the single-embedded *Heliothis zea* nuclear polyhedrosis virus (HzSNPV). The identity of the seed virus must be assured by periodic checks.

(b) Each lot of active ingredient of the viral insecticide shall have the following specifications:

(1) The level of extraneous bacterial contamination of the final unformulated viral insecticide should not exceed 10^7 colonies per gram as determined by an aerobic plate on trypticase soy agar.

(2) Human pathogens, e.g., *Salmonella*, *Shigella*, or *Vibrio*, must be absent.

(3) Safety to mice as determined by an intraperitoneal injection study must be demonstrated.

(4) Identity of the viral product, as determined by the most sensitive and standardized analytical technique, e.g., restriction endonuclease and/or SDS-PAGE analysis, must be demonstrated.

(c) Exemptions from the requirement of a tolerance are established for the residue of the microbial insecticide *Heliothis zea* NPV, as specified in paragraphs (a) and (b) of this section, in or on all agricultural commodities including: corn, cottonseed, beans, lettuce, okra, peppers, sorghum, soybeans, and tomatoes.

e. Section 180.1033 is revised to read as follows:

§ 180.1033 Methoprene; exemption from the requirement of a tolerance.

Methoprene is exempt from the requirement of a tolerance in or on all raw agricultural commodities when used to control mosquito larvae including pastures, rice fields, vineyards, date palm orchards, nut orchards, berry orchards, and fruit orchards.

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 180 would continue to read as follows:

Authority: 21 U.S.C. 348.

b. Section 185.4150 is revised to read as follows:

§ 185.4150 Methoprene.

A tolerance of 10 parts per million is established for residues of isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on the food additive commodity cereal grain milled fractions (except flour and rice hulls).

[FR Doc. 95-15438 Filed 6-27-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Parts 185 and 186

[FAP 4H5683/P616; FRL-4959-1]

RIN 2070-AC18

Hexazinone; Food/Feed Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes food and feed additive regulations for residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1H,3H)-dione) and its metabolites (calculated as hexazinone) in sugarcane molasses. Owing to a transmission error, a previous proposal and final rule stipulated a tolerance of 0.5 part per million (ppm), but the tolerance should have been stipulated as 5.0 ppm. EPA is proposing the food/feed additive regulations to establish the tolerance that E.I. du Pont de Nemours & Co., Inc., petitioned for under the Federal Food, Drug and Cosmetic Act

DATES: Comments, identified by the document control number [PP 4H5683/P616], must be received on or before July 28, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public

inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [FAP 4H5683/P616]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Product Manager (PM) 23, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-7830; e-mail: miller.joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 22, 1995 (60 FR 15113), EPA issued a proposed rule that gave notice that E.I. du Pont de Nemours & Co., Inc., had petitioned EPA under sections 408 and 409 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a and 348), to amend 40 CFR parts 180, 185, and 186 to establish tolerances with regional registration for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on the raw agricultural commodity sugarcane at 0.2 part per million (ppm), the food additive commodity sugarcane molasses at 0.5 ppm, and the feed additive commodity sugarcane molasses at 0.5 ppm. The tolerance and food/feed additive regulations were published as a final rule in the **Federal Register** of May 17, 1995 (60 FR 26361). Because of a transmission error in the preparation of the prior **Federal Register** notices, EPA established tolerances of 0.5 ppm for hexazinone in 40 CFR 185.3575 and 186.3575, but the correct tolerance petitioned for by DuPont is 5.0 ppm. (The tolerance of 0.2 ppm for sugarcane in 40 CFR 180.396 is correct.)

EPA is proposing amendments to 40 CFR 185.3575 and 186.3575 to establish

the 5.0 ppm tolerances petitioned for by DuPont. The data and other relevant material submitted with the petition (FAP 4H5683) and discussed in the proposed rule of March 22, 1995 (60 FR 15113) remain applicable to this proposal. EPA's prior risk assessment assumed the sugarcane molasses tolerance would be set at 5.0 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered capable of achieving its intended physical or technical effect. The toxicological data considered in support of the proposed tolerance are discussed in the proposal of March 22, 1995 (60 FR 15113).

Based on the above information considered by the Agency, the Agency believes that use of the pesticide in accordance with tolerances established by amending 40 CFR 185.3575 and 186.3575 would be safe. Therefore, it is proposed that the food/feed additive regulations be established as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [FAP 6H5683/P616]. All written comments filed in response to this petition will be available in the Public Information Branch, at the address given above from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [FAP 4H5683/P616] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at: opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept

in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Parts 185 and 186

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Food additives, Feed additives, Reporting and recordkeeping requirements.

Dated: June 9, 1995.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR parts 185 and 186 be amended as follows:

PART 185—[AMENDED]

1. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. By revising § 185.3575, to read as follows:

§ 185.3575 Hexazinone; tolerances for residues.

A food additive tolerance with regional registration, as defined in § 180.1(n) and which excludes use of hexazinone on sugarcane in Florida, is established for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on the following food commodity:

Commodity	Parts per million
Sugarcane, molasses	5.0

PART 186—[AMENDED]

2. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By revising § 186.3575, to read as follows:

§ 186.3575 Hexazinone; tolerances for residues.

A feed additive tolerance with regional registration, as defined in § 180.1(n) and which excludes use of hexazinone on sugarcane in Florida, is established for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on the following feed commodity:

Commodity	Parts per million
Sugarcane, molasses	5.0

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BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 95-99, RM-8612]

Radio Broadcasting Services; Buffalo Gap, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by D.J. Broadcasting, Inc., licensee of Station WKDE(FM), Channel 288A, Altavista, Virginia, and Ridle Radio, Inc., licensee of Station WSKO(FM), Channel 288A, Buffalo Gap, Virginia, seeking the substitution of Channel 238A for Channel 288A at Buffalo Gap, Virginia, and modification of Station WSKO(FM)'s license to reflect the alternate Class A channel. Channel 238A can be allotted to Buffalo Gap in compliance with the Commission's minimum distance separation requirements and be used at the

transmitter site specified in Station WSKO(FM)'s authorization. The coordinates for Channel 238A at Buffalo Gap are 38-10-55 and 79-13-34.

DATES: Comments must be filed on or before August 14, 1995, and reply comments on or before August 29, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: York David Anthony, Lambert & Anthony, Consulting Engineers, 2613 Craig Avenue, Concord, North Carolina, 28027-4107 (consulting engineer for petitioners).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-99, adopted June 15, 1995, and released June 23, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-100, RM-8635]

Radio Broadcasting Services; Blackstone and Dillwyn, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Denbar Communications, Inc., licensee of Station WBBC(FM), Channel 228A, Blackstone, Virginia, proposing the substitution of Channel 228C3 for Channel 228A at Blackstone and modification of Denbar's authorization to specify operation on the higher powered channel. In order to accommodate the upgrade at Blackstone, we also propose to substitute Channel 287A for vacant Channel 229A at Dillwyn, Virginia. Channel 228C3 and Channel 287A can be allotted to Blackstone and Dillwyn, respectively, in compliance with the Commission's minimum distance separation requirements. Channel 228C3 can be allotted to Blackstone at the licensed site of Station WBBC(FM). Channel 287A can be allotted to Dillwyn with a site restriction of 15.0 kilometers (9.3 miles) northwest. The coordinates for Channel 228C3 at Blackstone are 37-03-14 and 78-01-15. The coordinates for Channel 287A at Dillwyn are 37-35-18 and 78-37-01.

DATES: Comments must be filed on or before August 14, 1995, and reply comments on or before August 29, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: M. Scott Johnson and Lauren Drake, Esq., Gardner, Carton & Douglas, 1301 K Street, NW., Suite 900E, Washington, DC 20005 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-100, adopted June 7, 1995, and released June 23, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-